THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.3090 of 1998

DATED:05.07.2006

Between:

R. Sathaiah

..Petitioner

And

Dy.Registrar and Officer on special duty, Nalgonda District, Cooperative Bank Limited, Nalgond and others

..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.3090 of 1998

ORDER:

The Writ Petition was filed challenging the demand notice

issued by the respondents on 10.03.1997, on the ground that this demand notice had been issued without initiating any proceedings and fixing any liability on the petitioner.

Because of such assertion, this Court passed an order of stay on condition that 50% of the liability shall be deposited. It is not known to the learned counsel for the parties whether the amount was deposited or not.

A Counter-affidavit has been filed, in which it is stated that the petitioner had misappropriated certain amounts as the President of the Handloom Weavers Co-operative Society Limited, Narsingbhatla, and a notice was given to him on 27.05.1988. This notice was served on the petitioner on 09.06.1988 and the petitioner had also accepted it on 26.08.1988. After considering his reply, the order, dated 07.02.1989, had been passed by the competent authority under Section 60 (1) of the Andhra Pradesh Co-operative Societies Act, 1964 (for short "the Act"), for recovery of misappropriated amount. That order was served on the petitioner on 09.02.1989. This order was not appealed against and at the same time, the misappropriated amounts were not paid. Therefore, an E.P. was filed, being E.P.No.27/96-97. As a result of filing of this E.P., the impugned destraint order was passed on 03.02.1998.

The petitioner has no case in view of the factual position narrated hereinabove. In addition to that, he has come to this Court suppressing the facts. He has nowhere in the writ petition stated that an order has been passed against him in terms of the Act and it has become final.

For this reason, the Writ Petition is dismissed with costs of Rs.3,000/-.

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(BILAL NAZKI, J)

5th July 2006.
GJ